

# **MARICOPA COUNTY TRIP REDUCTION ORDINANCE**

## **ORDINANCE NO. P-7**

Adopted by Board of Supervisors July 23, 1997

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## **MARICOPA COUNTY TRIP REDUCTION ORDINANCE**

### **Section 1                    PURPOSE**

Pursuant to A.R.S. 49-581, et. seq., the purpose of this ordinance is to reduce traffic impacts on air pollution and emissions within the County by requiring major employers and schools to develop, implement, and maintain a Trip Reduction Program.

### **Section 2                    DEFINITIONS**

In this ordinance, unless the context otherwise requires:

ADJUSTMENT FACTOR means a factor of .5 applied to a commute trip or commute mile for the purpose of calculating equivalent emissions reduction credit for reducing peak commute trips and work-related trips.

ALTERNATIVE FUEL means liquefied petroleum gas, natural gas, hydrogen, solar energy, electricity, a blend of hydrogen with liquefied petroleum or natural gas and alcohol fuels that contain not less than eighty-five per cent alcohol by volume.

ALTERNATIVE FUEL VEHICLE (DEDICATED) means any motor vehicle engineered and designed to operate only on alternative fuel.

ALTERNATIVE FUEL VEHICLE (DUAL-FUEL) means any motor vehicle engineered and designed to operate on either petroleum-based or alternative fuel, but not a mixture.

ALTERNATIVE FUEL VEHICLE (FLEXIBLE-FUEL) means any motor vehicle engineered and designed to operate on a varying mixture of petroleum-based fuel and alternative fuel.

ALTERNATIVE MODE means any mode of commute transportation other than the single-occupancy vehicle.

APPROVABLE TRIP REDUCTION PLAN means a plan meeting the requirements of Section 7 (C).

AREA SOURCE means any minor source, as defined by A.R.S. §49.401.01(15), that is not a major source, as defined by A.R.S. §49-401.01(13). Such sources may include: dry cleaners, printers, auto body shops, service stations, construction sites, architectural coatings, fireplaces, and consumer solvents.

ARIZONA EMISSIONS STANDARDS means the set of motor vehicle emissions standards in Table 18, pursuant to A.R.S. §49-542.

BOARD means the board of supervisors.

CARPOOL means two to four persons commuting in a motor vehicle to or from work or school.

CERTIFIED VEHICLE means any motor vehicle that has met all criteria identified in Section 8, subsection B(1)(C) 9(c) and 9(f) for an alternative fuel vehicle, or Section 8, subsection B(1)(D) for a motor vehicle with a device.

CLEAN AIR ACT means the Clean Air Act of 1963, (P.L. 88-206); 42 United States Code sections 7401 through 7671 as amended by the Clean Air Act amendments of 1990 (P.L. 101-549).

CLEAN OFF-ROAD MOBILE EQUIPMENT means off-road equipment and vehicles powered by off-road or utility engines that meet the emissions standards in Appendix A.

CLEAN ON-ROAD VEHICLE means a reduced emissions vehicle.

COMMUTE TRIP means a trip taken by an employee to or from a work site located within the County, or by a student to or from a school site located within the County.

COMMUTER MATCHING SERVICE means a system, whether it uses computer or manual methods, which assists in matching employees and/or students for the purpose of sharing rides to reduce commuter travel.

COMPRESSED WORK WEEK means any work schedule that eliminates at least one commute trip to a work site or school site in each two week period.

COUNTY means Maricopa County.

DEVICE means any component or equipment that is designed to be installed in or on a motor vehicle as an addition to, as a replacement for, or through alteration or modification of, any original component or device. Any fuel conversion configuration, or conversion kit is a device.

EMISSIONS means the release of pollutants or pollutants released.

EMPLOYEE means an employee who works at, or reports to, a single work site within the County during any time period of a twenty-four hour day, at least three days per week, during any six months of the year.

EQUIVALENT EMISSIONS REDUCTION CREDIT means the credit applied to the rates of single-occupancy vehicle trips and/or miles traveled when an emissions reduction, other than a reduction in the number of single occupancy vehicle trips or vehicle miles traveled, is achieved.

EQUIVALENT EMISSIONS REDUCTION MEASURE means a procedure or process implemented to reduce emissions other than those from commute trips and commute miles. Such measures are identified in Section 8, subsection B.

EQUIVALENT EMISSIONS REDUCTION TARGET means the target rates of single-occupancy vehicle trips and miles traveled converted to pounds of emissions so that credit may be applied when equivalent emissions reduction measures are implemented.

FEDERAL CLEAN FUEL FLEET VEHICLE (CFFV) STANDARDS means the standards to which low emissions vehicles are certified pursuant to 40 CFR Part 88.

FUEL ADDITIVE means any substance designed to be combined with gasoline for the purpose of increasing fuel efficiency and reducing emissions of motor vehicles, off-road mobile equipment, or area sources.

HANDHELD EQUIPMENT means utility equipment that the operator is required to fully support its weight for the equipment to properly perform its design function.

HIGH-POLLUTING VEHICLE means a vehicle that fails the state of Arizona's vehicle emissions inspection test.

MAJOR EMPLOYER means a sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, public or private, who employs 50 or more employees working at, or reporting to, a single work site.

MODE means the type of conveyance used for commute trips, including single-occupancy motor vehicle, rideshare vehicles, transit, bicycle and walking.

MOTOR VEHICLE means any self-propelled vehicle including a car, van, bus, motorcycle, and all other motorized vehicles, including golf carts.

OFF-ROAD ENGINE means a heavy duty diesel engine with a diesel cycle engine greater than 175 horsepower designed to power equipment such as that used in agriculture, construction, forestry, industrial, and mining industries.

OFF-ROAD MOBILE EQUIPMENT means equipment and vehicles not licensed for on-road use, that are designed to operate during transport and emit or generate emissions while in motion or at rest. Such equipment and/or vehicle is powered by a utility or off-road engine and includes equipment such as: tractors, backhoes, excavators, dozers, portable generators and compressors, lawn mowers, edgers, trimmers, blowers, vacuums, tillers, shredders, grinders, chainsaws, riding mowers, and garden tractors.

PLAN means a written report describing trip reduction measures and/or equivalent emissions reduction measures that a major employer or school intends to implement.

POLITICAL SUBDIVISION means the County or an incorporated city or town within the County.

QUANTIFIABLE means the ability to estimate in terms of amount and characteristics.

RATE OF SINGLE-OCCUPANCY VEHICLE MILES TRAVELED means the number of single-occupancy vehicle commute trip miles traveled divided by the total number of vehicle commute trip miles traveled by all modes for that work site or school site.

RATE OF SINGLE-OCCUPANCY VEHICLE TRIPS means the number of single-occupancy vehicle commute trips divided by the total number of commute trips taken by all modes for that work site or school site.

REAL means actually occurring, implemented and not artificially devised.

REDUCED EMISSIONS VEHICLE means a motor vehicle, including a clean on-road vehicle, that is certified by the Task Force as being substantially lower emitting in actual use than like vehicles generally purchased in the area and for trip reduction purposes, is counted as less than a single motor vehicle for commute and work-related trips.

REDUCED EMISSIONS VEHICLE CREDIT means the allowance given when a reduced emissions vehicle factor is applied to the rate of single-occupancy vehicle trips and/or single-occupancy vehicle miles traveled.

REDUCED EMISSIONS VEHICLE FACTOR means the factor applied to the rates of single-occupancy vehicle trips and miles pursuant to A.R.S. 49-581, et. seq. which will allow a reduced emissions vehicle to receive less than the full count than that of a regular single-occupancy vehicle trip or mile traveled.

REDUCED EMISSIONS VEHICLE STANDARDS means the standards described in Section 8 for the purpose of applying reduced emissions vehicle factors and subsequent reduced emissions vehicle credit toward trip reduction goals.

REMAINING USEFUL LIFE means the estimated number of years remaining until an existing piece of equipment is removed from service.

REMOTE SENSING means the use of an emissions monitoring device to detect, measure, and record emissions from motor vehicles.

RIDESHARING means transportation of more than one person for commute purposes, in a motor vehicle, with or without the assistance of commuter matching service.

SCHOOL means for the purpose of this ordinance, any school district, community college, trade school, university, or other educational institution having 50 or more employees or students working at, or reporting to, a single school site.

SINGLE-OCCUPANCY VEHICLE means a motor vehicle occupied by one employee or student for commute purposes, including motorcycles.

STAFF means the County staff assigned to the Task Force.

STAGGERED WORK SCHEDULE means a work schedule that begins before the hour of 6:00 a.m. or after the hour of 10:00 a.m.

STUDENT means a driving-aged student commuting to a single school site within the County at least three days per week.

SUBSTANTIALLY LOWER EMITTING VEHICLE means any motor vehicle or group of motor vehicles demonstrating a carbon monoxide emissions level of twenty percent or more below the average carbon monoxide emissions of a like motor vehicle generally purchased in the area, as determined by the most recent EPA mobile monitoring model, and having the emissions standards identified in Table 1.

SURPLUS means in excess of that required by law, rule, ordinance or permit.

SURVEY DATA RESULTS means a summary provided by staff, of the information from a major employer's or school's annual survey.

TASK FORCE means the Trip Reduction Regional Task Force, designated by the Board as the responsible agency to implement and enforce this ordinance, and established in the County by Title 49, Chapter 3, Article 8, Arizona Revised Statutes.

TELECOMMUTING means eliminating commute trips and/or vehicle miles traveled by allowing employees to work at home, or a location close to home.

TRADE-OUT means to permanently remove from use, or to retire, a high-polluting vehicle.

TRANSIT means a bus or other public conveyance system.

TRANSPORTATION COORDINATOR means a person designated by a major employer or school to serve as the lead person in developing and implementing a Trip Reduction Program.

TRIP REDUCTION MEASURE means an incentive or disincentive, intended to reduce the rate of single-occupancy trips, or the rate of single-occupancy vehicle miles traveled; such as: a) A

commuter matching service to facilitate ridesharing for commute trips; b) Providing of vans for vanpooling; c) Subsidies for carpooling or vanpooling including payment for fuel, insurance, or parking; d) Use of company vehicles for carpooling; e) Provision for preferential parking for carpool or vanpool users which may include close-in parking or covered parking facilities; f) Cooperation with other transportation providers to provide additional regular or express service buses to the work site or school site; g) Subsidized bus fares; h) Construction of special loading and unloading facilities for transit, carpool, or vanpool users; i) Cooperation with a political subdivision to construct walkways, or bicycle routes to the work site or school site; j) Provision of bicycle racks, lockers, and showers for employees who walk or bicycle to work or students who walk or bicycle to school; k) Establishment of a telecommuting program for employees; l) Establishment of a program of adjusted work hours which may include compressed work weeks or staggered work hours. Work hour adjustments should not interfere with or discourage the use of ridesharing and transit; m) Establishment of a program of parking incentives such as a rebate for employees or students who do not use the parking facility; n) Incentives to encourage employees to live closer to work or students to live closer to school; o) Provision of day care facilities; p) Emergency transportation services; q) Joining a Transportation Management Association; r) Incentives to encourage the use of certified vehicles for commute trips or, work-related trips; s) Establishment of a trip reduction committee to define new strategies and assist with the implementation of measures; t) replace gasoline powered motor vehicles with electric golf-type carts or bicycles for traveling at the work site; and u) modify procedures to enable employees who normally commute for the sole purpose of picking up a company vehicle, to bring those vehicles home at the end of the work day to eliminate the commute trip.

TRIP REDUCTION PROGRAM means a program that implements a trip reduction plan by a major employer or school and is designed to achieve target reductions in the rate of single-occupancy vehicle trips and/or in the rate of single-occupancy vehicle miles traveled through the implementation of various trip reduction measures and/or equivalent emissions reduction measures.

UTILITY ENGINE means an engine rated under 25 horsepower and designed to power equipment such as: lawn and garden, turf, and general landscaping.

UTILITY EQUIPMENT means handheld or non-handheld off-road mobile equipment powered by a utility engine.

VEHICLE OCCUPANCY means the number of occupants in a motor vehicle including the driver.

VANPOOL means more than four persons commuting in a motor vehicle to or from work or school.

VOLUNTARY PARTICIPANT means an employer or school that is not included in the definition of major employer or school and chooses to participate in the Trip Reduction Program.

WORK-RELATED TRIP means any non-commute trip that originates and ends at a work site.

WORK SITE means a building and any group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way and which are owned or occupied by the same major employer or school.

### Section 3                      TRIP REDUCTION REGIONAL TASK FORCE COMPOSITION

A) A Trip Reduction Regional Task Force is established in a County with a population of one million two hundred thousand or more persons for the purpose of this ordinance under Title 49, Section 582. The Regional Public Transportation Authority, established under Title 28, Chapter 20, and the regional planning agency for the County, shall provide assistance to the Task Force. The Task Force shall nominate a chair for the Task Force who is then officially appointed by the Board. The Board shall appoint the Trip Reduction Program director to supervise the staff and to be assistant chair of the Task Force. The director is not a voting member.

B) The Board shall appoint members of the Task Force in an equitable manner. Task Force members shall be appointed to serve two year terms, and membership shall be staggered so that no more than two-thirds of the appointed members' terms expire on January 31, of any year. The Board shall determine the method of selection and appointment of Task Force members, as provided by law, ordinance or the guidelines established by Title 49, Chapter 3, Article 8, Arizona Revised Statutes.

C) The Task Force members shall be appointed to represent interests affected by the Trip Reduction Program. Candidates for membership must be residents of the County and shall be selected from major employers and/or schools, a member or manager of a transportation management association, an owner or manager of a business park, industrial park, office building, shopping center or other concentration of commercial interests, a public interest group established to address transportation or air quality issues or political subdivisions within the County.

### Section 4                      DUTIES AND POWERS OF THE TASK FORCE

A) The Task Force shall review and approve the baseline survey distributed to major employers and schools for the purpose of collecting data on commuting patterns. The Task Force shall provide uniform formats for data to be provided by each major employer and school on the commuting patterns of its employees and/or students and the effectiveness of its Trip Reduction Program. Collected data shall include the mode used and the distance traveled for commute trips. The Task Force shall establish uniform requirements for record keeping and



reporting as necessary to comply with this ordinance and reasonable deadlines for submittal of additional data as required.

B) The Task Force shall:

- 1) Evaluate the major employer's or school's trip reduction plan and approve or object to any such plan received.
- 2) Review all responses by a major employer or school to the annual survey and determine if they meet the requirements of this ordinance.
- 3) Review the trip reduction plan submitted by a major employer or school, along with a staff report on the plan, to conclude if the plan contains trip reduction measures and/or the equivalent emissions reduction measures which seek to achieve the target reduction goals.
- 4) Monitor the implementation of a trip reduction plan as submitted by a major employer or school and as approved by the Task Force.
- 5) Develop and implement policies, standards and criteria for certifying eligible motor vehicles as being reduced emissions vehicles if they are substantially lower emitting in actual use than like vehicles generally purchased in the area. The Task Force shall not certify any reduced emissions vehicle or group of vehicles unless the Task Force has evidence of all of the following:
  - a) Results of a federal test procedure conducted pursuant to 40 Code of Federal Regulations Part 86, Subpart B, effective July 1, 1992, or an equivalent method approved by the Administrator of the United States Environmental Protection Agency, demonstrating substantially lower emissions from the vehicle or group of vehicles.
  - b) In the case of any device added to the vehicle to reduce emission, that the device has printed on it, or on the packaging, clear statements by the device manufacturer as to whether use of the device will void any existing vehicle warranty or adversely affect the onboard diagnostics system, and what the responsibility of the device manufacturer will be under such circumstances. The state shall have no responsibility as to the validity of such statements.
  - c) United State Environmental Protection Agency approval of the use of a reduced emissions factor for that vehicle or group of vehicles as a revision to the State Implementation Plan.

6) Develop and implement policies, standards and criteria for reduced emissions vehicle factors to be applied to the rate of single-occupancy vehicle trips and rate of single occupancy vehicle miles traveled pursuant to Section 8, in this ordinance. The reduced emissions vehicle factor applied to a reduced emissions vehicle shall be proportional to its average emissions reduction in actual use as compared to like vehicles generally purchased in the area and shall be less than or equivalent to the reduced emissions vehicle standards identified in Table 1 of this ordinance.

7) Make available to employers and schools with one hundred or more employees at a single work site or school site, a standard notification form which is to be used to notify employees and students of the requirements of Arizona Revised Statute 49-542.

C) A plan submitted to the Task Force under subsection b, paragraph 1, of this section shall be approved or objections shall be filed within ninety days of its submission. The plan is automatically approved unless objected to by the Task Force within ninety days. Objections shall be based upon criteria set forth in Section 7. If the Task Force objects to the plan, it shall be reviewed and revised in consultation with the major employer or school. The Task Force shall determine if enforcement action is appropriate and shall recommend action as it deems necessary.

D) If any response submitted to the Task Force pursuant to subsection b, paragraph 2 of this section is not approved, the Task Force shall direct the major employer or school to submit additional data within ten working days. If subsequent submissions of data are not approved, the Task Force shall evaluate the major employer or school and supporting data and decide if enforcement action is appropriate.

E) If a trip reduction plan submitted to the Task Force pursuant to subsection b, paragraph 3 of this section is not approved, the Task Force shall describe the inadequacies and direct the major employer or school to modify the plan within ten working days. If the plan as modified is not approved, the Task Force shall evaluate the supporting data and decide if enforcement action is necessary.

F) If a major employer or school has not implemented the trip reduction plan as submitted and approved by the Task Force pursuant to subsection b, paragraph 4 of this section, the Task Force shall describe the inadequacies and shall direct modifications to the plan implementation. If the major employer's or school's efforts remain inadequate, the Task Force shall evaluate the supporting data and decide if enforcement action is necessary.

G) If a major employer's or school's trip reduction plan fails to achieve a goal identified in Section 7, subsection B, the Task Force shall direct the staff to work with the major employer or school to increase the use of alternative modes and reduce single-occupancy vehicle miles traveled, consistent with the target reduction goals. The major employer or school shall submit a plan addendum outlining measures aimed at achieving any goal identified in Section 7,

subsection B. When the implementation of measures identified on the plan addendum demonstrates that there has been no further progress toward attaining reduction goals, the Task Force shall determine whether the major employer or school is putting forth a good faith effort to meet the goals. On an individual basis, the Task Force shall evaluate the supporting data and decide if enforcement action is necessary. The Task Force shall consider:

- 1) The cost of the major employer's or school's Trip Reduction Program as compared to the average cost of such programs for all major employers and schools.
- 2) Unusual circumstances faced by the major employer or school. If unusual circumstances exist, the Task Force shall determine if a major employer or school who fails to submit a plan addendum within thirty days of written notice should be subject to enforcement action.

H) The Task Force shall direct the staff to identify and contact potential voluntary participants to encourage and assist them in participating in cooperative efforts to collect data on commuting patterns, needs and desires of their employees and their tenants' employees. These potential voluntary participants shall include property managers and other employers or schools who may wish to participate in a Trip Reduction Program. The Task Force shall encourage these owners, managers, schools, and employers to form transportation management associations. Among other activities, the transportation management associations may disseminate information on alternative modes of transportation. The Task Force shall encourage transportation management associations to assist member employers and schools in developing and implementing trip reduction plans.

I) The Task Force shall review the performance of the regional program annually and prepare a report for the Board. The report shall include successes and problem areas and shall recommend revisions to this ordinance, as necessary.

## Section 5                      STAFF DUTIES

The staff shall provide support to the Task Force, major employers, and schools. The staff shall:

- 1) Provide assistance to each major employer or school in coordinating data collection, dissemination of information on air quality, alternative modes, programs, developing a trip reduction plan and increasing the effectiveness of selected trip reduction measures and equivalent emissions reduction measures.
- 2) Coordinate training programs for major employers and schools to assist them in training their transportation coordinator, preparing and implementing their trip reduction plans and preparing annual reports.

- 3) Coordinate survey and data collection activities and overall program monitoring with the Task Force.
- 4) Under direction of the Task Force, develop an implementation schedule for annual surveys of the employer and school community.
- 5) Assist the Task Force in developing and implementing policies, standards and criteria for certifying eligible motor vehicles as being reduced emissions vehicles.
- 6) Assist the Task Force in developing and implementing policies, standards and criteria for reduced emissions vehicle factors to be applied to the rates of single-occupancy vehicle trips and rate of single-occupancy vehicle miles-traveled pursuant to Sections 7 of this ordinance.

## Section 6                      VOLUNTARY PARTICIPATION

Employers and schools or groups of employers and schools, not affected by this ordinance, are encouraged to participate in data collection, information dissemination efforts, and in the preparation of their own trip reduction plans on a voluntary basis. The Task Force shall assist these groups; these groups are eligible for participation in all programs and services and are encouraged to form transportation management associations.

## Section 7                      REQUIREMENTS OF MAJOR EMPLOYERS AND SCHOOLS

A major employer or school with 50 or more persons who are employees or students shall:

A) Conduct and submit to the Task Force, on an annual basis, a survey for each work site as directed by the Task Force. A major employer or school's annual survey shall be reviewed by staff to determine if the requirements set forth by the Task Force have been met. If any survey is not approved by the Task Force, the major employer or school shall submit additional data as required by the Task Force within ten working days of notice of disapproval. A major employer or school's rate of single-occupancy vehicle trips and rate of single-occupancy vehicle miles traveled will be determined from the survey for each work site. The results of the initial survey shall form a baseline against which attainment of future targets identified in subsection b of this section, shall be measured.

- 1) The baseline for participation in alternative modes of transportation shall be based on the proportion of employees or students commuting by single-occupancy vehicles. This proportion shall be identified as the rate of single-occupancy vehicle trips.

2) The baseline for vehicle miles traveled shall be the number of single-occupancy vehicle commute miles traveled divided by the total number of commute miles traveled by all modes to a work site. This proportion shall be identified as the rate of single-occupancy vehicle miles traveled.

B) Implement all trip reduction and/or equivalent emissions reduction measures approved by the Task Force to:

1) maintain a rate of single-occupancy vehicle trips or rate of single-occupancy vehicle miles traveled for employees of not more than sixty percent, or

2) attain target reductions in single-occupancy vehicle trips or single-occupancy vehicle miles traveled. The first year target will be a ten percent reduction from the baseline established for the rate of single-occupancy vehicle trips or the rate of single-occupancy vehicle miles traveled. The second through fifth year target will be a ten percent reduction from the target of the previous year; targets following the fifth year will be a five percent reduction from the target of the previous year, or

3) attain the equivalent emissions reduction target for the rate of single-occupancy vehicle trips or single-occupancy vehicle miles traveled.

C) Develop an approvable trip reduction plan designed to meet target reductions for all work sites and submit to the task force within five weeks after receiving survey data results. A major employer or school's plan shall be reviewed by staff to determine if the requirements of the Task Force have been met. A major employer or school shall be notified of the approval or disapproval of the plan within ninety days. If any plan is not approved by the Task Force, the major employer or school shall modify and resubmit the plan within ten working days of notice of disapproval. An approvable trip reduction plan shall include:

1) The name and signature of the designated Transportation Coordinator.

2) A description of information programs, trip reduction measures and/or equivalent emissions reduction measures that were completed in the previous year.

3) A description of information programs, trip reduction measures and/or equivalent emissions reduction measures that will be implemented in the current year.

a) For major employers or schools who do not meet a reduction goal in the second year of the program, the plan shall contain any two of the following measures, and shall contain any four of the following measures when a reduction goal is not met in any year thereafter. Measures shall be consistent with the work site, location, and/or survey data results.

- 1) A pay for parking program.
- 2) Preferential parking for carpools/vanpools.
- 3) A telecommuting program for employees that seeks to achieve a target reduction.
- 4) A compressed work week program that seeks to achieve a target reduction.
- 5) Subsidized vanpool. The cost to employee or student shall be comparable to other alternate modes such as transit or carpooling.
- 6) Subsidy program where 50% or more of the commute trip cost is reimbursed by the major employer or school when an alternative mode is used.
- 7) Guaranteed ride home program.
- 8) Program to recruit and reward new alternate mode users and those employees or students who move closer to the work site.
- 9) Prize drawings which encourage alternate mode participation.
- 10) On-site day care facility added after June 1, 1994.
- 11) Shower and locker facilities constructed or renovated after June 1, 1994, for bicyclists and walkers.

b) After the second year, the Task Force shall review the Trip Reduction Program of any major employer or school who does not meet a target reduction goal and may recommend additional measures.

- 4) A description of a mechanism for regular distribution of alternative mode transportation information.
- 5) Name, address, telephone number, and signature of the Chief Executive Officer or the highest ranking official responsible for implementing the plan.
- 6) Such other information as may be required by the Task Force.

D) Implement a trip reduction plan approved by the Task Force.

E) Provide each employee and student with information on alternative mode options, equivalent emissions reduction measures and trip reduction measures. This information shall also be provided to new employees at the time of hiring and to new students at the time of enrollment.

F) Designate a Transportation Coordinator responsible for implementing the major employer's or school's Trip Reduction Program and serving as the liaison to the Task Force.

G) Provide major employer's or school's name, addresses for all its work sites in the County, and the name and address of a person who works for the major employer or school and can provide information as required by the Task Force within 60 days of opening for business or hiring, relocating or otherwise adding employees or students so as to become subject to this Ordinance.

H) Notify their employees and students of the duty to comply with the requirements of Arizona Revised Statute 49-542 when 100 or more employees or students report to a single work site.

I) Keep all records necessary to prove compliance with and verify implementation of an approved trip reduction plan.

J. A major employer or school who becomes subject to the requirements of this ordinance as a result of a corporate merger or consolidation may request that the predecessor corporation's program year status or approved plan be adopted and incorporated into its own plan by submitting a written request, along with a plan addendum, to the Task Force.

1) A request for adoption of a predecessor's corporation program year status or plan shall include the following information:

a) the effective date of the Articles of Merger or Consolidation, as filed with the Arizona Corporation Commission.

b) documentation or affidavit from corporation's human resources officer or other qualified officer showing that the percentage of employees from the predecessor corporation retained by the merged or consolidated corporation is at least 51%.

c) description of operations of both the predecessor corporation and the merged or consolidated corporations.

d) the number of employees remaining from the predecessor corporation.

e) a listing of work sites in the County.

- 2) An employer who becomes subject to this ordinance as a result of a merger or consolidation and who does not meet the conditions for adoption of the previous major employer's plan or its program year status must establish new baseline rates for single-occupancy vehicle trips and single-occupancy vehicle miles traveled.

## SECTION 8            EQUIVALENT EMISSION REDUCTION MEASURES

A) Major employers and schools may receive credit toward meeting the requirements of Section 7 by implementing equivalent emissions reduction (EER) measures in conjunction with, or independent of, trip reduction measures. Implementation of EER measures seek to achieve the equivalent emissions reduction target (EERT) for the rates of single-occupancy vehicle (SOV) trips and single-occupancy vehicle miles traveled (SOVMT). Credit calculations and related assumptions for the implementation of measures identified in this section are found in Section 13, Appendix A.

- 1) To qualify for EER credit, the following criteria shall be demonstrated at the time of application:
  - a) Emissions reductions are a surplus.
  - b) Emissions reductions are quantifiable.
  - c) Implementation of measure(s) is enforceable as part of the major employer's or school's plan.
  - d) The credit life of the emissions reduction shall be reasonably established and commensurate with the proposed use of the credit. Credit life is the estimated amount of time over which the emissions reduction benefit is expected to be maintained. Earned credit, unless otherwise stated in this ordinance, is valid from the date of application approval with the limit that no more than one-third of the earned credit may be used within one year from the date of approval and not more than two-thirds of the earned credit used within two years from the date of approval. Earned credit is available to a major employer or school for up to seven (7) years.
- 2) A major employer or school may choose whether the earned credit be applied to the rate of SOV or the rate of SOVMT, unless otherwise stated in this ordinance. Credit shall not be transferable.
- 3) Rates of SOV and SOVMT shall be converted to pounds of emissions. Conversion calculations for EER measures, excluding clean on-road vehicles and reduced emissions vehicles, are found in Table 3. Calculations:



- a) convert the site's rate of SOV trips to grams per year (gm/yr) by multiplying the number of SOV trips by the average emissions of 18.34 grams per mile (gm/mi); and
- b) convert the site's rate of SOVMT to gm/yr by multiplying the number of SOV miles by 18.34 gm/mi; and
- c) determine the EERT for SOV trips by multiplying the total commute trips by the target reduction for SOV trips and 18.34 gm/mi; and
- d) determine the EERT for SOVMT by multiplying the total commute miles by the target reduction for SOVMT and 18.34 gm/mi; and
- e) convert gr/yr to pounds per year (lbs/yr) by dividing by 454.

B) A major employer or school shall receive EER credit when any of the following EER measures are implemented:

1) Use a clean on-road vehicle or a reduced emissions vehicle (REV). A clean on-road vehicle shall be a reduced emissions vehicle. REV factors and reduced emissions vehicle credit (credit) may be applied toward a major employer or school's rates of single-occupancy vehicle trips and miles traveled when a reduced emissions vehicle is used for commute trips or, work-related trips.

a) Initial application for credit will be made when credit has not been previously awarded for that vehicle or group of vehicles. Continuing award of credit for years following initial application will require an application for recertification to be made when the major employer or school submits the annual survey to the County. Credits are not transferable and shall not be awarded to any vehicle that exceeds eighty percent of the carbon monoxide standard established for the model year and vehicle classification of that vehicle.

b) A major employer or school shall demonstrate to the Task Force that the vehicles or group of vehicles meets the standards identified in Appendix A, Table 1. The REV standards identified in Table 1 originate from the California Low Emissions Vehicle Standards, hereinafter referred to as the California LEV standards. For Trip Reduction Program purposes, the carbon monoxide (CO) emissions standard of the California LEV standards has been reduced by twenty percent, while standards for oxides of nitrogen (NOx) and non-methane organic gases (NMOG) remain at their established levels for these standards. The California LEV standards are identified in grams per mile.

c) For a major employer or school to receive certification of an alternative fuel vehicle as a reduced emissions vehicle and award of credit for that vehicle or group of vehicles, the major employer or school shall provide to the Task Force at the time of application:

- 1) A completed application form.
- 2) Evidence of the certification of that vehicle or group of vehicles to the California LEV standards or Federal Clean Fuel Fleet program standards by the motor vehicle manufacturer (for initial application only).
- 3) Current emissions test results for that vehicle or group of vehicles from an official state of Arizona vehicle emissions inspection station.
- 4) Documentation reflecting commute trips and miles for that vehicle or group of vehicles.
- 5) A copy of vehicle registration, lease agreement or 3rd party contract for that vehicle or group of vehicles. (For initial application only.)
- 6) Alternative fuel purchase or distribution records substantiating a sixty percent overall use of alternative fuel for that vehicle or group of vehicles (for dual-fuel and flexible-fuel vehicles only).

d) For a major employer or school to receive certification of a vehicle with a device as a reduced emissions vehicle and award of credit for that vehicle or group of vehicles, the employer or school shall provide to the Task Force at the time of application:

- 1) A completed application form.
- 2) Evidence of any one of the following: 1) certification of the device to California LEV standards or federal clean fuel fleet vehicle emissions standards on that vehicle or group of vehicles by a vehicle manufacturer; or 2) certification of the device to California LEV standards or Federal Clean Fuel Fleet vehicle emissions standards by the EPA; or 3) a certificate of compliance, issued by a Bureau of Automotive Repair Referee Smog Check Station in the State of California, specifying that the retrofit system is certified to California LEV standards, or 4) the final report published from the Voluntary Device Evaluation program of the EPA, pursuant to 40 CFR Part 610, relating the results of the federal test procedure when the device is added to that vehicle or group of vehicles. (For initial application only.)

- 3) The name of the device and its manufacturer. (For initial application only.)
  - 4) A clear statement from the device manufacturer as to whether the use of the device will void any existing vehicle warranty and what the responsibility of the device manufacturer will be under such circumstances. The State of Arizona shall have no responsibility as to the validity of such statement. (For initial application only.)
  - 5) A clear statement from the device manufacturer as to whether the use of the device will adversely affect onboard diagnostics and what the responsibility of the device manufacturer will be under such circumstances. The State of Arizona shall have no responsibility as to the validity of such statement. (For initial application only.)
  - 6) Device purchase receipts. (For initial application only.)
  - 7) Proof of device installation, which may include receipts or signed statements from the repair shop mechanic. (For initial application only.)
  - 8) Current emissions test results for that vehicle or group of vehicles from an official State of Arizona vehicle inspection station.
  - 9) Documentation reflecting commute trips and miles for that vehicle or group of vehicles.
- e) The Task Force shall certify an alternative fuel vehicle or a vehicle with a device as a reduced emissions vehicle or group of vehicles, when the major employer or school demonstrates to the Task Force:
- 1) For an alternative fuel vehicle, the vehicle manufacturer has certified that vehicle or group of vehicles to California LEV standards or Federal Clean Fuel Fleet vehicle emissions standards.
  - 2) The vehicle or group of vehicles is substantially lower emitting.
  - 3) A vehicle emissions inspection test was completed as required by Arizona Revised Statute 49-542 for that vehicle or group of vehicles.
  - 4) The major employer or school is not receiving emissions credits for that vehicle which are being relied upon to comply with the requirements of Title I of the Clean Air Act.

5) For a vehicle with a device, sufficient evidence has been provided to demonstrate that the device has satisfied one of the criteria described in section 8(B)(1)(d)(2) of this ordinance.

6) For a vehicle with a device, the device does not void any existing vehicle warranty or adversely affect the onboard diagnostic system

f) Once a vehicle has been certified by the Task Force as being a reduced emissions vehicle, the Task Force shall instruct staff to apply a reduced emissions vehicle factor and credit (Appendix A, Table 2) to the rates of SOV and SOVMT.

2) Peak Commute Trip Reductions. A major employer or school may receive credit toward meeting a target when work schedules are adjusted to end on or after 4:00 p.m. during the time period of June 1st to September 30th, and/or, end on or before 4:00 p.m. during the period of November 1st to March 31st.

a) Earned credit shall be applied to the EERT for SOV (Table 4) or the EERT for SOVMT (Table 5) and shall be calculated using the following:

1) Commute trips or commute miles. Commute trips shall be equal to the number of employees who adjusted their start time and/or end time. When actual commute mileage is not available, commute miles shall be the combined average commute miles of all major employers and schools in the trip reduction program, as determined by the combined survey data results; and

2) Emissions average. For credit calculation purposes, this average shall be 18.34 gm/mi. This average is obtained from the Arizona Department of Environmental Quality (ADEQ) or the regional planning agency for the County; and

3) the number of work days from November 1st to March 31st, and/or June 1st to September 30th, as appropriate. Saturdays, Sundays and holidays shall be workdays when an employer's normal work week schedule includes weekends and holidays; and

4) an adjustment factor. Emissions rates of a commute trip or mile are higher than the emissions rates of a non-commute trip or mile. This difference is attributed to travel demand and vehicle speeds. An adjustment factor of .5 shall be applied to the number of commute trips or miles, causing trips or miles traveled to count as one-half (50%) of a

regular commute trip or commute mile. When an adjustment factor is applied, that trip or mile is an “adjusted trip” or “adjusted mile.”

b) Earned credit shall be applied to the EERT for SOV or SOVMT after application approval.

3) Other Work-Related Trip Reductions. A major employer or school may receive credit toward meeting a target when a change is made to reduce the number of work-related trips, and/or, work-related miles. A reduction may be obtained by implementing procedures such as routing changes to the fleet and/or sales routes, conducting teleconferencing instead of requiring travel to an off-site meeting, vanpooling or carpooling to meetings and work sites, and providing on-site restaurants or other such services which reduce trips during a non-commute time, such as lunch.

a) EER credit shall be applied to the EERT for SOV (Table 6) or EERT for SOVMT (Table 7). Credit shall be awarded only when the number of work-related trips and work-related miles are reduced.

b) Earned credit shall be applied to the EERT for SOV or SOVMT after application approval.

c) Credit shall not be awarded when the reduced work-related trips or miles are the result of leasing, selling, or otherwise transferring those trips or miles to any other employer in this County, who is affected or unaffected by the requirements of this ordinance.

d) EER credit shall be calculated using the following:

1) emissions average of 18.34 gm/mi; and

2) vehicle logs or other documentation to reflect reduced work-related trips and work-related miles traveled; and

3) an adjustment factor of .5 applied to the number of reduced work-related trips. No adjustment factor shall be applied to the number of reduced work-related miles.

4) Voluntary Polluting Vehicle Trade-Out. A major employer or school may receive credit toward meeting a target reduction by trading-out high-polluting vehicles and replacing that vehicle with a newer, less-polluting vehicle or an alternative mode.

a) The major employer or school shall demonstrate at the time of application for credit that:

- 1) the traded-out vehicle is a high-polluting passenger car or light duty truck; and
  - 2) there are no liens against the vehicle; and
  - 3) the vehicle owner or operator is an employee; and
  - 4) the owner is willing to trade-out the high polluting vehicle; and
  - 5) the vehicle identification numbers, current vehicle registration and vehicle match; and
  - 6) the vehicle has been titled by the State of Arizona and Motor Vehicle Department records reflect owner's address within the County for at least 24 months prior to the date the vehicle is selected for trade-out; and
  - 7) tests confirm the operability of the vehicle; and
  - 8) the vehicle was not crushed; and
  - 9) the replacement vehicle meets vehicle emissions standards in Table 18.
- b) Credit shall be calculated based upon the annual commute miles, the difference in emissions between the replacement vehicle (Table 8) and the emissions of the traded-out vehicle (Table 8 and Table 9), and the credit life of the reduction. Earned credit shall be applied to the EERT for SOVMT (Table 10), and when the replacement vehicle is an alternative mode, earned credit shall also be applied to rate of SOV.
- 1) emissions level for a replacement vehicle shall be zero when an employee or student chooses to commute using public transit, a bicycle, and/or walking for a minimum of two (2) years, instead of purchasing, leasing, or operating another type of replacement motor vehicle.
  - 2) emissions level for a replacement vehicle which is a carpool or vanpool shall be determined by the number of vehicle occupants and the average emissions of 18.34 gm/mi when an employee chooses to commute using one of these modes for a minimum of two (2) years, instead of purchasing, leasing, or operating another type of replacement motor vehicle.

3) credit life of the emissions reduction shall not exceed two (2) years for trade-out of pre-1972 model-year vehicles and three (3) years for 1973 and later model-year vehicles.

4) credit toward rate of SOV trips shall be calculated by the annual survey when an alternative mode is the replacement vehicle.

5) Clean Off-Road Mobile Equipment. A major employer or school may receive credit toward meeting a target when off-road mobile equipment is repowered, retrofitted, or permanently replaced with new, low- or zero- emitting equipment, or, when a major employer is a seller of low- or zero-emitting equipment. Earned credit shall be applied toward the EERT for SOV or SOVMT.

a) The following criteria shall be demonstrated at the time of application:

1) Owner of the repowered, retrofitted, or permanently replaced equipment is a major employer, employee or a student, and is willing to participate; and

2) for the previous 24 months, the repowered, retrofitted, or permanently replaced equipment was used for its purpose of design within the County; and

3) major employers who are sellers of retrofit kits or low- or zero-emitting off-road mobile equipment or engines provide incentives to buyers to encourage and increase the number of retrofits, repowers and/or purchases of low- or zero-emitting equipment. Incentives include, but are not limited to: pricing commensurate to that of equipment meeting current emissions standards; rebates; and educational programs, advertisements or sponsorships to increase awareness; and

4) off-road mobile equipment shall be permanently replaced by scrapping, relocating or selling the equipment outside of the County.

A) Relocated or sold equipment shall not be brought back or sold back into the County.

B) Proof of scrapping, replacement or sale shall include the owner's name and address; the purchaser's or scrapper's name and address; purchase, sale or relocation effective date; equipment type; manufacturer; and engine model number.

C) Permanently replaced off-road mobile equipment shall be rendered permanently inoperable by drilling a hole through the engine block. Alternative, equally effective procedures shall be allowed, as approved by the Task Force.

5) replacement utility equipment shall meet emissions standards in Table 11 or 12, as applicable; and

6) other off-road mobile equipment, excluding utility equipment, that is repowered shall meet standards for emissions in Table 16.

7) other off-road mobile equipment, excluding utility equipment, that is retrofitted shall meet standards for emissions in Table 16 and standards for opacity in Table 17. Opacity is the amount of smoke emitted by the equipment.

b) Credit shall be calculated and earned credit applied to the EERT for SOV trips or EERT for SOVMT. Earned credit is available for up to seven (7) years for sellers of low- or zero emitting equipment and up to five (5) years for buyers of low- or zero emitting equipment.

1) For utility equipment, calculations shall be based upon the hours of operation, the difference in emissions between the permanently replaced equipment and the replacement equipment, and the credit life of the emissions reduction. Credit shall be awarded when the replacement equipment's emissions meet the standards for year 1999 and later in Table 11 or 12, or when the replacement significantly precedes the recommended replacement or maintenance suggested by the original equipment manufacturer or operator. Credit shall not be awarded when the replacement of equipment is a result of any mechanical or warranty problem, or from reduced performance capability of the equipment.

A) For major employers, employees, or students who are buyers of low- or zero-emitting utility equipment, credit life shall be the remaining useful life of the replaced or scrapped equipment (Table 15).

B) For major employers who are sellers of the low- or zero-emitting utility equipment, credit life shall be the actual useful life of the replacement equipment.

C). A technical adjustment factor (TAF) of 1.2 has been applied to the earned credits for replacing residential equipment (Table 13) to



allow for the uncertainty associated with the annual hours of equipment operation. Earned credit for replacement equipment that meets the zero emissions standards shall not be subject to the TAF.

2) Credit for replacing, retrofitting, or repowering off-road equipment, other than utility equipment, shall be calculated based upon the load factor supported by actual fuel consumption data, maximum rated horsepower, annual hours of operation, emissions levels, and credit life of the emissions reduction. Credit shall be awarded when the repower, retrofit or replacement of the equipment meets the 2000 or 2001 standards in Table 16, as applicable, and/or when the replacement significantly precedes the recommended replacement or maintenance suggested by the original equipment manufacturer or operator. Credit shall not be awarded when the replacement of equipment is a result of any mechanical or warranty problem, or from reduced performance capability of the equipment.

A) When the repower, retrofit or replacement exceeds the maintenance recommended or required by the original equipment manufacturer for normal operation of equipment, the emissions shall emit at least 20 percent less than the emissions standards (Tables 16 and 17) or 20 percent less than the equipment's actual emissions level prior to the repower, retrofit or replacement.

B) For repowers and retrofits, initial credit shall be calculated based upon the difference in emissions and the time period from installation of new low- or zero-emitting equipment to the approval of application for credit. For subsequent years, credit shall be based upon the actual operating hours for each preceding 12 month period.

C) For permanent replacement, credit shall be calculated based upon the difference in emissions and the historical records of operating hours of the replaced equipment.

D) Earned credit shall be used within two years of approval, with the limit that up to 50 percent may be used in the first year. For equipment retrofitted with alternate fuel conversion kits, earned credit shall end when the useful life of the kit expires.

6) Remote Sensing. A major employer or school may receive credit toward meeting a target by obtaining remote sensing equipment and bringing it to the work site, where it is used as a screening tool to identify high emitting vehicles. Identification of such vehicle

leads to subsequent vehicle maintenance being performed so that vehicle meets vehicle emissions standards in Table 18.

a) The following shall be demonstrated at the time of application for credit:

1) The vehicle is owned or operated by an employee or student who commutes to a work site, and the vehicle owner has provided permission for vehicle inclusion in this program; and

2) after identification by remote sensing, vehicle fails to pass the state of Arizona's motor vehicle emissions inspection test; and

3) subsequent vehicle repairs are conducted so that vehicle meets emissions standards in Table 18.

b) Credit shall be calculated and earned credit shall be applied to the EERT for SOVMT (Table 19) with the limit that credit shall not be awarded when the same vehicle has received credit as a reduced emissions vehicle or as a trade-out vehicle, as described in this ordinance. Credit shall be calculated using the following:

1) emissions of vehicle prior to repair; and

2) emissions of vehicle after repair; and

3) commute miles; and

4) credit life. When a vehicle is subject to the vehicle emissions inspection program requirements of Arizona Revised Statute 49-542, earned credit shall be calculated based upon the time period from the date of completed vehicle repair to date of the next required emissions test.

7) Emissions Reductions from Stationary Sources. A major employer or school may receive credit toward meeting a target reduction through the installation of air pollution control technologies, process modifications, or equipment shutdowns. Earned credit shall be applied to the EERT for SOVMT. The following shall be demonstrated at the time of application for credit:

a) replacement of equipment is not in conjunction with a replacement that was scheduled or otherwise required by local, state or federal regulations; and

b) For a stationary source under permit, a permit revision has been approved by the County; and

c) the stationary source generated the emissions surplus after October 16, 1996; and

8) Fuel Additives. A major employer or school may receive credit toward meeting a target reduction through the year round use of fuel additives in their fleet or employee-owned and operated vehicles, off-road mobile equipment, and/or area sources. The following shall be provided at the time of application for credit:

a) documentation substantiating continuing, year round use of fuel additive and measured reductions in emissions; and

b) a statement from the manufacturer as to whether the use of the fuel additive will void any existing vehicle warranty. The State of Arizona and the County shall have no responsibility as to the validity of such statement; and

c) for area sources, original equipment manufacturer's emissions standards; and

d) the final report published from EPA's Voluntary Retrofit Device Evaluation Program, pursuant to 40 CFR Part 610, or from the California Air Resource Board. Such report shall demonstrate:

1) use of fuel additive demonstrates reduced VOC, CO, or particulate matter (PM) emissions of high-polluting on-road vehicles, off-road mobile equipment or area sources by 20% or more; and

2) for motor vehicles, emissions meet the standards in Table 1; and

3) for off-road mobile equipment, emissions meet the year 2000 or 2001 standards in Table 11 or 12, or, Tables 13 and 14; and

4) for area sources, emissions are 20 percent less than those standards established by the original equipment manufacturer.

e) Credit shall be calculated based upon the difference in emissions of the vehicle, equipment, or area source prior to using the fuel additive and after using the fuel additive.

f) Earned credit shall be applied to the EERT for SOVMT and shall reflect the credit life of the vehicle, equipment or area source.

g) Credit methodology, assumptions, calculations, and earned credit shall be consistent with established criteria of this ordinance.

9) Other Mobile Source Emissions Reductions and Vehicle Miles Traveled Reduction Programs. A major employer or school may receive credit toward meeting a target reduction through the implementation of other measure(s) that reduce other mobile source emissions or vehicle miles traveled, not otherwise specified in this ordinance.

a) Written proposal must be submitted to staff and evaluated by the Task Force prior to implementation. The proposal shall provide a methodology for credit calculation, a demonstration of emissions reduction, and additional information as requested by the Task Force.

b) Credit methodology, assumptions, calculations, and earned credit shall be consistent with established criteria of this ordinance.

## SECTION 9            VARIANCES

A major employer or school wishing a variance from any of the requirements of this ordinance may make written application to the Task Force. A request for variance shall be finally approved or disapproved within ninety days after the filing of a request by a major employer or school.

## SECTION 10        EXEMPTIONS

A) Employers or schools opening for business, or hiring, relocating or otherwise adding employees or students so as to become subject to the requirements of this ordinance are not required to conduct the survey until 60 days from the date of becoming subject to the requirements of this ordinance.

B) The Task Force may grant an exemption to major employers or schools from the requirement to attain trip reduction goals specified in Section 7. Exemptions shall be granted if the major employer or school demonstrates the effective trip reduction strategies were implemented on or after July 1, 1988. Those exemptions may be granted only for the first year in which an employer or school is subject to this ordinance. Major employers or schools shall demonstrate that effective strategies are in place by providing:

- 1) a detailed description of the trip reduction strategies and how they are implemented.
- 2) The period of time that the strategies have been in place.
- 3) Evidence indicating that the strategies have been effective in reducing the proportion of employees or students commuting by single-occupancy vehicles.
- 4) The Task Force shall grant an exemption only on finding:

- a) The evidence submitted by the employer or school is valid.
- b) The measures have reduced trips at least as much as specified in the trip reduction goals in Section 7.

## SECTION 11      APPEALS

Any employer, school, or resident of the County may appeal to the Board of Supervisors a decision of the Task Force to authorize or withhold variances, a decision to approve or disapprove a trip reduction plan, or a decision that an employer or school is subject to the requirements of this ordinance. Any petition by an employer, school, or resident of the County appealing the decision of the Task Force must be filed with the Clerk of the Board within ten working days after the employer, school, or resident of the County receives notice of the decision.

## SECTION 12      ENFORCEMENT

### A)      PRODUCTION OF RECORDS AND OTHER INFORMATION

The Task Force may order a major employer or school to produce any and all records or other information it deems necessary to verify compliance with this ordinance or any order of the Task Force.

### B)      ENFORCEMENT ACTIONS

When the Task Force determines that a major employer or school has violated any of the requirements of this ordinance or any order of the Task Force it shall recommend to the Board appropriate enforcement action. The Board may request the County Attorney to take appropriate legal action.

### C)      CIVIL PENALTIES

A major employer or school who violates any provision or requirement of this ordinance or any order of the Task Force shall be subject to increasing civil penalties not to exceed one hundred dollars for the first violation, two hundred dollars for the second violation, and three hundred dollars for each additional violation. Violations that continue for more than one day shall constitute a separate violation for each day.

- 1) Violations of any of the following requirements may subject a major employer or school to increased civil penalties:

- a) Failure to collect or supply information requested by the Task Force.

- b) Failure to disseminate information on alternative modes and other trip reduction measures as specified in this ordinance.
  - c) Failure to designate a transportation coordinator.
  - d) Failure to submit an approvable trip reduction plan.
  - e) Failure to implement an approved trip reduction plan within the time scheduled or failure to perform a revision of a plan as required by the Task Force.
- 2) Failure by a major employer or school to meet trip reduction goals as prescribed in Section 7 does not constitute a violation if the major employer or school is attempting in good faith to meet the goals.